



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

st

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/416,210 10/08/99 LANE

W ESPD: 177/GLE

EXAMINER

QM32/0328

ARNOLD WHITE & DURKEE
P O BOX 4433
HOUSTON TX 77210-4433

DEXTER, C

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

03/28/00

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/416,210

Applicant(s)
Lane et al.

Examiner
Clark F. Dexter

Group Art Unit
3724



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 33-42 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 33-42 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3724

DETAILED ACTION

1. The preliminary amendment filed October 8, 1999 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the threaded opening in the rod as set forth in claim 40, line 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

3. Claims 33-38 and 40-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 33, line 5, structural cooperation is not positively set forth for “a knob adjustment assembly”, particularly with respect to the gauge and the rod; in line 10, structural cooperation is not positively set forth for “a pin”; also in line 10, “said adjustable screw stop” lacks positive antecedent basis.

In claim 35, lines 4-5, “being in substantial alignment with said pin” renders the claim vague and indefinite and appears to be inaccurate, particularly since in most positions of the

Art Unit: 3724

gauge, they appear to be out of alignment (it is noted, however, that they appear to be in the same plane).

In claim 37, line 5, structural cooperation is not positively set forth for “a knob adjustment assembly”.

In claim 38, lines 4-5, “being in substantial alignment with said pin” renders the claim vague and indefinite and appears to be inaccurate, particularly since in most positions of the gauge, they appear to be out of alignment.

In claim 40, line 2, “further” renders the claim vague since it is not clear as to what it pertains (i.e., further in view of what), and it seems that it should be simply deleted; also in line 2, “a know handle” is vague and indefinite and it appears that “know” should read --knob--; also in lines 2-3, “knob handle” is vague and indefinite as to what disclosed structure it refers (note that support is provided for “knob handle assembly”, but not for “knob handle”).

In claim 41, line 1, “further” renders the claim vague since it is not clear as to what it pertains (i.e., further in view of what), and it seems that it should be simply deleted.

In claim 42, line 5, “being in substantial alignment with a slidably engageable pin” renders the claim vague and indefinite and appears to be inaccurate, particularly since in most positions of the gauge, they appear to be out of alignment; also in line 5, structural cooperation is lacking for “slidably engageable pin”.

Art Unit: 3724

Prior Art

4. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

Communications via Internet e-mail regarding this application, other than those under 35 USC 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rinaldi.rada@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 USC 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.


Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
March 27, 2000